

11-18-03

~~\$ one  
ce~~

EXPRESS MAIL RECEIPT NO.: EV085809391US  
DEPOSITED ON: NOVEMBER 17, 2003

**PATENT**

**Atty Docket No.: P1714US01**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

1. **Applicant:** Jose John Vennat  
2. **Application No.:** 10/632,577  
3. **Filing Date:** July 28, 2003  
4. **Assignee:** Wood Group ESP, Inc.  
5. **Title of Invention:** DOWNHOLE TURBOMACHINES FOR  
HANDLING TWO-PHASE FLOW

**Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF  
OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

Dear Commissioner:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by David M. Sullivan, attorney of record for the present application, who has first-hand knowledge of the facts recited therein, which are as follows:

## I. STATEMENT OF FACTS

This Petition is being filed to state the facts in support of the Declaration made by Stephen M. Breit, an authorized agent for the Assignee, Wood Group ESP, Inc. I have first-hand knowledge of the facts recited herein and appreciate the irreparable damage that will be caused the Assignee should this petition under 37 C.F.R. § 1.47(b) be denied. The statement of facts that follow, indicate that I have made a *bona fide* and diligent effort to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application

The nonsigning inventor, Dr. Jose John Vennat, was formerly employed by the Assignee, Wood Group ESP, Inc. The nonsigning inventor voluntarily left Wood Group ESP, Inc. and is now employed as a consultant in competition with the Assignee.

The nonsigning inventor has been provided a copy of the complete patent application and an opportunity to sign the Combined Declaration/Power of Attorney on two occasions detailed below which are accompanied by supporting documentation attached as Exhibit D-F:

EXPRESS MAIL RECEIPT NO.: EV085809391US  
DEPOSITED ON: NOVEMBER 17, 2003

PATENT  
Atty Docket No.: P1714US01

1. On May 30, 2003, the patent application, combined declaration and power of attorney, and assignment were hand delivered by me to the nonsigning inventor at the Assignee's offices (see Exhibit D). During the meeting with the nonsigning inventor on May 30, 2003, the nonsigning inventor refused to sign the necessary Declaration and Power of Attorney but would not articulate any reason in support of his refusal. The nonsigning inventor voluntarily left the employ of the Assignee later that day.

2. On June 27, 2003, the patent application, combined declaration and power of attorney, and assignment were mailed via Certified Mail to the nonsigning inventor's place of residence (see Exhibit E). The Domestic Return Receipt indicates that the June 27, 2003 letter was received by the nonsigning inventor or a member of his family on July 1, 2003 (see Exhibit F).

As the nonsigning inventor has not returned the documents attached to the May 30, 2003 or June 27, 2003 letters, the acceptance of this Petition is required to insure that the Assignee's prospective patent rights are not lost. Failure to accept this Petition in support of the Declaration under 37 C.F.R. 1.47(b) may result in abandonment of Application No. 10/632,577 and cause irreparable damage to the Assignee.

In view of the foregoing, I respectfully request that the Commissioner grant this petition and accept the Declaration under 37 C.F.R. §1.47(b).

## II. Petition Fee

Enclosed is PTO Form-2038, the credit card payment form in the amount of \$130.00 for the fee required under 37 C.F.R. § 1.17 to file the Petition.

You are hereby authorized to charge deposit account no. 13-0110 should there be any additional fees required for filing the Petition.

Respectfully Submitted,

11/17/03  
Date

  
\_\_\_\_\_  
David M. Sullivan, Reg. No. 51,025  
CROWE & DUNLEVY, P.C.  
20 North Broadway, Suite 1800  
Oklahoma City, Oklahoma 73102-8273  
Tel. No. (405) 235-7700  
Fax No. (405) 239-6651

EXPRESS MAIL RECEIPT NO.: EV085809391US  
DEPOSITED ON: NOVEMBER 17, 2003

PATENT  
Atty Docket No.: P1714US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Nov 17 2003  
O P E  
S C A  
PATENT & TRADEMARK OFFICE  
Date application of: Jose John Vennat  
Application No.: 10/632,577  
Filing Date: July 28, 2003  
Assignee: Wood Group ESP, Inc.  
Title of Invention: DOWNHOLE TURBOMACHINES FOR  
HANDLING TWO-PHASE FLOW

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR  
SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHERE NO  
INVENTOR IS AVAILABLE TO SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO  
REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))

I, Stephen M. Breit, hereby declare that:

- I. I am a citizen of United States, residing at 932 Prospect Court, Edmond, Oklahoma 73034.
- II. I am authorized by the following person or juristic entity with sufficient proprietary interest,

Name of Assignee: Wood Group ESP, Inc.  
Address of Assignee: 5500 S.E. 59<sup>th</sup> Street  
Assignee Signatory Title: Oklahoma City, Oklahoma 73135  
Vice-President, Engineering

- III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for Dr. Jose John Vennat, nonsigning inventor who refused to sign:

*Country of Citizenship of nonsigning inventor:* United States

*Last known address of nonsigning inventor:* 400 Crooked Hollow  
Edmond, Oklahoma 73034

- IV. Upon information and belief, I have averred those facts that the inventor is required to state. 37 CFR § 1.64(b) (see accompanying Declaration and Power of Attorney document for Patent Application).

- V. Under 37 C.F.R. § 1.63(b)(2) and (3), I hereby state that I have reviewed and understand the contents of the application, including the claims, and that I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to be material to the patentability of this application.

**PATENT**  
**Attorney Docket No.: P1714US01**

V. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR,
- (2) A STATEMENT BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR ESTABLISHING PROPRIETARY INTEREST,

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

- (3) the petition fee of \$130.00 (37 C.F.R. § 1.17(h))

Respectfully Submitted,

Nov 14, 2003  
Date



Stephen M. Breit  
Vice President, Engineering  
WOOD GROUP ESP, INC.  
5500 S.E. 59<sup>th</sup> Street  
Oklahoma City, Oklahoma 73135



**CROWE & DUNLEVY**  
ATTORNEYS AND COUNSELORS AT LAW  
100 Years • 1902 - 2002

DAVID M. SULLIVAN

Direct Tel: 405.234.3236  
Direct Fax: 405.272.5926

sullivad@crowedunlevy.com

November 17, 2003

Express Mail Receipt No: EV085809391US

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RE: United States Patent Application No. 10/632,557  
DOWNHOLE TURBOMACHINES FOR HANDLING  
TWO-PHASE FLOW  
Filing Date: July 28, 2003  
Attorney Docket No.: P1714US01 (C/M: 28068-00035)

Dear Commissioner:

Enclosed, please find the following documents:

1. Copy of Combined declaration and Power of Attorney document signed by Stephen M. Breit on behalf of Jose John Vennat, nonsigning inventor;
2. Added page to Combined Declaration and Power of Attorney for Signature by person with Sufficient Proprietary Interest where no Inventor is Available to Sign and on Behalf of all the Inventor(s) who Refuse(s) to Sign or Cannot be Reached;
3. Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor and accompanying documentation listed below:
  - a. Exhibit A: Copy of Executed and Effective Employment Agreement by nonsigning inventor dated September 9, 1997;
  - b. Exhibit B: Copy of December 11, 2000 memo confirming name change of Electrical Submersible Pumps, Inc. to WOOD GROUP ESP, INC.; and

TULSA  
500 KENNEDY BUILDING  
321 SOUTH BOSTON AVENUE  
TULSA, OK 74103-3313  
TEL: 918.592.9800 • FAX: 918.592.9801

OKLAHOMA CITY  
20 NORTH BROADWAY, SUITE 1800  
OKLAHOMA CITY, OK 73102-8273  
TEL: 405.235.7700 • FAX: 405.239.6651

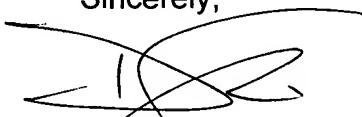
NORMAN  
THE HIPOINT OFFICE BUILDING  
2500 SOUTH McGEE, SUITE 140  
NORMAN, OK 73072-6705  
TEL: 405.321.7317 • FAX: 405.360.4002

November 17, 2003  
Page 2

- c. Exhibit C: Copy of Internal Invention Disclosure signed October 10, 2002;
4. Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor and accompanying documentation listed below:
  - c. Exhibit D: Copy of May 30, 2003 letter to nonsigning Inventor requesting signature on Combined declaration and Power of Attorney and Assignment document;
  - d. Exhibit E: Copy of June 27, 2003 letter to nonsigning Inventor sent certified mail requesting inventor signature on Combined declaration and Power of Attorney and Assignment document; and
  - e. Exhibit F: Copy of Acknowledgment of receipt of letter dated July 1, 2003 by inventor or member of his family;
5. PTO Form-2038, Credit Card Payment form for the Petition Fee in the amount of \$130.00; and
6. Acknowledgment of Receipt postcard.

You are hereby authorized to charge deposit account no. 13-0110 should any additional fees be required.

Sincerely,

  
David M. Sullivan, Reg. No.: 51,025  
For the Firm

cc. Ray Floyd, WOOD GROUP ESP, INC.



Docket No.  
P1714US01

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### **DOWNHOLE TURBOMACHINES FOR HANDLING TWO-PHASE FLOW**

the specification of which

(check one)

is attached hereto.

was filed on July 28, 2003 as United States Application No. or PCT International Application Number 10/632,577

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

---

60/422,648

---

October 31, 2002

(Application Serial No.)

(Filing Date)

---

(Application Serial No.)

---

(Filing Date)

---

(Application Serial No.)

---

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

---

(Application Serial No.)

---

(Filing Date)

---

(Status)

(patented, pending, abandoned)

---

(Application Serial No.)

---

(Filing Date)

---

(Status)

(patented, pending, abandoned)

---

(Application Serial No.)

---

(Filing Date)

---

(Status)

(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

**Phillip L. Free, Jr. (Registration No. 38,143)**

**David M. Sullivan (Registration No. 51,025)**

**Bruce P. LaBrie (Registration No. 53,172)**

Send Correspondence to: **David M. Sullivan**  
**CROWE & DUNLEVY, P.C.**  
**20 N. Broadway, Suite 1800**  
**Oklahoma City, Oklahoma 73102**

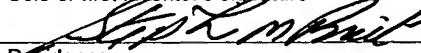
Direct Telephone Calls to: *(name and telephone number)*

**David M. Sullivan (405) 235-7700**

Full name of sole or first inventor

**Stephen M. Breit on behalf of Jose John Vennat, the nonsigning inventor**

Sole or first inventor's signature



Date

*Nov. 14, 2003*

Residence

**932 Prospect Court, Edmond, Oklahoma 73034**

Citizenship

**United States of America**

Post Office Address

Full name of second inventor, if any

Second inventor's signature

Date

Residence

Citizenship

Post Office Address

EXPRESS MAIL RECEIPT NO.: EV085809391US  
DEPOSITED ON: NOVEMBER 17, 2003

PATENT  
Atty Docket No.: P1714US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
NOV 17 2003  
PATENT & TRADEMARK OFFICE  
CJC  
RE application of: Jose John Vennat  
Application No.: 10/632,577  
Filing Date: July 28, 2003  
Assignee: Wood Group ESP, Inc.  
Title of Invention: DOWNHOLE TURBOMACHINES FOR  
HANDLING TWO-PHASE FLOW

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON SIGNING  
ON BEHALF OF NONSIGNING INVENTOR**

- I. I, Stephen M. Breit, residing at 932 Prospect Court, Edmond, Oklahoma 73034, am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.
- II. As of the date I signed the declaration for this application, the proprietary interest in this invention belongs to the following juristic person:

WOOD GROUP ESP, INC.  
5500 S.E. 59<sup>TH</sup> Street  
Oklahoma City, Oklahoma 73135

and I am authorized to sign the statement on behalf of the juristic person, my title being:  
Vice-President, Engineering.

- III. I establish the proprietary interest by attaching a copy of the signed employment agreement (Exhibit A) whereby the nonsigning inventor agreed to assign this invention to Electrical Submersible Pumps, Inc. which was later renamed WOOD GROUP ESP, INC. Exhibit B evidences the name change from Electrical Submersible Pumps, Inc. to WOOD GROUP ESP, INC. The invention was made by the nonsigning inventor during his employment at WOOD GROUP ESP, INC., as evidenced by the Internal Invention Disclosure signed October 10, 2002. (Exhibit C)

**PATENT**  
**Atty Docket No.:P1714US01**

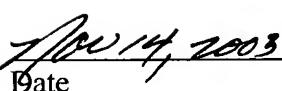
**IV. ASSIGNEE'S STATEMENT**

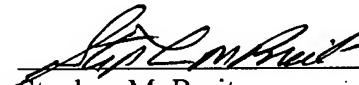
In accordance with 37 C.F.R. § 3.73, the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

**V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES.**

In accordance with M.P.E.P. § 409.03(g) the accompanying STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR document sufficiently establishes that diligent efforts have been made to secure the inventor's signature and that withholding such request for a person with proprietary interest to sign on behalf of the nonsigning inventor will result in irreparable damage for the assignee of the present application.

Respectfully Submitted,

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Stephen M. Breit  
Vice President, Engineering  
WOOD GROUP ESP, INC.  
5500 S.E. 59<sup>th</sup> Street  
Oklahoma City, Oklahoma 73135